

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DAVID ANTONIO, Petitioner, v. UNITED STATES OF AMERICA, Respondent.	Civil Action No. 21-17659 (GC) <u>MEMORANDUM & ORDER</u>
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THIS MATTER comes before the Court on Petitioner David Antonio’s motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. (*See* Civ. No. 21-17659, ECF Nos. 1, 3.)

It appears that Respondent has not provided the transcript of Petitioner’s change of plea hearing, held on March 9, 2020, in Crim. No. 19-134-3 (*see* Crim. No. 19-134-3, ECF No. 469 (minute entry)) for the Court’s review. Furthermore, the transcript is not available on the docket in Petitioner’s criminal case.

In addition, the Court does not possess copies of the sentencing materials submitted by Petitioner (*see* Crim. No. 19-134-3, ECF No. 528 (submission notice)) and Respondent (*see* Crim. No. 19-134-3, ECF No. 531 (submission notice)) to the Honorable Freda L. Wolfson in the underlying criminal matter.

Under Rule 5(c) of the Rules Governing Section 2255 Proceedings, “[i]f the answer refers to briefs or transcripts of the prior proceedings that are not available in the court’s records, the

judge must order the government to furnish them within a reasonable time that will not unduly delay the proceedings.”

IT IS, therefore, on this day 3rd of April, 2025, **ORDERED** as follows:

ORDERED that within 30 days of the date of this Memorandum and Order, Respondent is directed to furnish and file on the docket a copy of the transcript of Petitioner’s change of plea hearing in Crim. No. 19-134-3; and it is further

ORDERED that within 30 days of this Memorandum and Order, the Respondent is directed to submit to this Court copies of the sentencing materials submitted by Petitioner and Respondent in Crim. No. 19-134-3.

A handwritten signature in black ink, reading "Georgette Castner", written in a cursive style.

GEORGETTE CASTNER
United States District Judge